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9 Attorneys for Defendants
0 Lincoln General Insurance Company
1 Pro IS, Inc.
2 Walshire Assurance Company
 Kingsway Financial Services, Inc.
 Kingsway America, Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LILLIAN GRADILLAS;CHRIS) Case No. 3:12-cv-03697-CRB
6 GRADILLAS, individually and as assignees,)
7 ASSIGNEES OF KENNETH NWADIKE, Jr.) **JOINT STIPULATION FOR APPROVAL**
D/B/A AMERICA BUS LINE,) **OF SUPERSEDEAS BOND AND FOR**
8 Plaintiffs,) **STAY OF EXECUTION OF THE**
9) **JUDGMENT UNDER FED. R. CIV. P. 62**
v.)
1 LINCOLN GENERAL)
2 INSURANCECOMPANY; PRO)
3 INSURANCE SOLUTION LIMITED; PRO)
4 IS, INC.; WALSHIRE ASSURANCE)
5 COMPANY; KINGSWAY FINANCIAL) Hearing Date: [none]
SERVICES, INC.; TAWA, PLC;) Judge: Hon. Charles R. Breyer
LGIC HOLDINGS, KINGSWA AMERICA,) Courtroom: 6, 17th Floor
INC.) Time: [none]
Defendants.)

Defendant Lincoln General Insurance Company (“Lincoln General”) and Plaintiffs Lillian and Chris Gradillas (“Plaintiffs”), respectfully stipulate and agree to the following:

1. Under Rule 62(d) of the Federal Rules of Civil Procedure, execution of the Rule
54(b) judgment entered by this Court on March 22, 2013 (Dkt. 107) should be stayed pending
appeal upon the execution of a wire transfer of \$3,125,000.00 by Lincoln General under the
instructions specified by the Clerk of the Court to serve as the posting of a supersedeas bond.

2. The Parties seek Court approval of the bond.

3. The amount of the supersedeas bond, \$3,125,000.00, is one-hundred twenty-five percent (125%) of this Court's award of the stipulated judgment (\$2.5 million) entered in the underlying matter and constitutes a reasonable and adequate amount for purposes of a supersedeas bond. *See, e.g., Ryan v. Editions Limited West, Inc.*, Case No. 06-CV-04812-PSG, 2013 U.S. Dist. LEXIS 15025 (N.D. Cal. Feb. 1, 2013); *Am. Color Graphics, Inc. v. Travelers Prop. Cas. Ins. Co.*, No. C 04-3518 SBA, 2007 U.S. Dist. LEXIS 40600 (N.D. Cal. May 22, 2007); *see also* Rule 151(d) of the Local Rules of the U.S. District Court for the Eastern District of California.

4. The amount of the supersedeas bond is adequate to protect against Plaintiffs' interests should Plaintiffs prevail on appeal, which would potentially include their recovery of recoverable costs and post-judgment interest in addition to the judgment amount.

5. Within five (5) business days of the Court's execution of the proposed order and upon the instructions provided by the Clerk of the Court, Lincoln General will wire transfer the amount of \$3,125,000.00 to be held as required for a supersedeas bond.

WHEREFORE, the Parties respectfully request that this Court grant the Proposed Order.

Dated: April 1, 2013

By: /s/ Henry Su
Attorneys for Defendant

1 Lincoln General Insurance Company
2 Pro IS, Inc.
3 Walshire Assurance Company
4 Kingsway Financial Services, Inc.
5 Kingsway America, Inc.

6
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20 By: _____ /s/ David Poore
21 Attorneys for Plaintiffs
22 DAVID POORE
23 BROWN | POORE LLP
24 1350 Treat Blvd., Suite 400
25 Walnut Creek, California 94597
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1 **CERTIFICATE OF SERVICE**

2 I am over 18 years of age and not a party to the within action. I am employed in the
3 County of San Francisco; my business address is **Yaron & Associates, 601 California Street,**
4 **Suite 2100, San Francisco, California 94108.**

5 On April 1, 2013, I served the within:

6 **JOINT STIPULATION FOR APPROVAL OF SUPERSEDEAS BOND AND FOR STAY OF
EXECUTION OF THE JUDGMENT UNDER FED. R. CIV. P. 62**

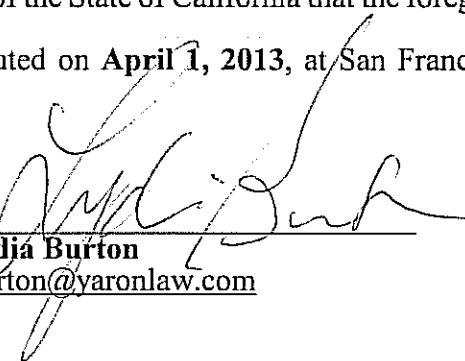
7
8 **PROPOSED ORDER**

9 on all parties in this action, as addressed below, by causing a true copy thereof to be distributed
10 as follows:

11 *TO ALL PARTIES ON THE ECF SERVICE LIST*

12 *** VIA ELECTRONIC SERVICE:** I served a true copy, with all exhibits, electronically on
13 designated recipients through PACER. Upon completion of electronic transmission of said document(s), a
14 receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all
15 designated recipients, proof of electronic service is returned to the filing party which will be maintained
16 with the original document(s) in our office. This service complies with CCP §101.6.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct, and that this declaration was executed on April 1, 2013, at San Francisco,
19 California.

20 
Lydia Burton
lburton@yaronlaw.com

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13 **PROPOSED ORDER**

14 This matter is before the Court on Defendant Lincoln General Insurance Company's and
15 Plaintiffs Lillian and Chris Gradillas' Joint Stipulation For Approval of the Supersedeas Bond
16 and for Stay of Execution of the Judgment. Upon consideration of all matters properly before the
17 Court and pursuant to Stipulation, the Court approves the bond and the execution of the judgment
18 in this matter will be stayed pending appeal upon the posting of a supersedeas bond by Lincoln
19 General in the amount of \$3,125,000.00.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED,

21 Date: April 5, 2013

22 By:

23 Hon. Charles R. Breyer

